

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
LUCAS J. LACY,)
)
Defendant.)

8:08CR16

ORDER

On April 28, 2008, this matter was scheduled for a plea hearing before Judge Laurie Smith Camp. The court is now advised that the defendant has retained substitute counsel, and the parties were unable to reach a plea agreement. The court finds that the plea hearing now set for May 19, 2008 should be cancelled and the case returned to the trial docket. The defense will be given an extension of time to May 30, 2008 in which to review discovery and file substantive pretrial motions. A final trial date will be set after the May 30, 2008 deadline expires or after any substantive pretrial motions are resolved, whichever is later.

IT IS ORDERED that defendant's Motions [23] and [24] are granted, as follows:

1. The plea hearing now set for May 19, 2008 is cancelled and this matter is returned to the active trial docket.
2. The deadline for filing pretrial motions is extended to **May 30, 2008**.
3. A trial date will be set in accordance with the Speedy Trial Act after May 30, 2008 or after the resolution of any substantive pretrial motions.
4. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting the defendant's motions and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of the motions, that is, the time between **May 15, 2008 and May 30, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
5. Defendant shall file an affidavit or declaration regarding speedy trial in accordance with NECrimR 12.1 and/or 12.3 no later than **May 23, 2008**.

DATED May 15, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge